

***State of Utah v. Haaland Case***

**No. 4:24-cv-0048-DN-PK**

# **EXHIBIT 3**

**Proposed Reponse to Plaintiffs' Complaint**

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**IN THE UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF UTAH, SOUTHERN DIVISION**

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**STATE OF UTAH** *et al.*,

Plaintiffs,

v.

**DEB HAALAND**, *et al.*,

Defendants,

and

**SOUTHERN UTAH WILDERNESS  
ALLIANCE and NATIONAL PARKS  
CONSERVATION ASSOCIATION**,

Proposed Defendant-Intervenors.

Case No. 4:24-cv-0048-DN-PK

**DEFENDANT-INTERVENORS'  
[PROPOSED] RESPONSE TO  
PLAINTIFFS' COMPLAINT**

Judge David Nuffer  
Magistrate Judge Paul Kohler

Pursuant to DUCivR 7-4(b)(2), Defendant-Intervenors Southern Utah Wilderness Alliance and National Parks Conservation Association (collectively, “Conservation Organizations”) submit this response to Plaintiffs State of Utah *et al.*’s Complaint (ECF No. 1).

As modified by NPS’s commitments made in the 2024 settlement agreement between NPS and the Conservation Organizations,<sup>1</sup> the National Park Service’s approval of the Glen Canyon Off-Road Vehicle Management Plan and Final Environmental Impact Statement, the associated Record of Decision, and special regulation implementing the ORV Plan, 36 C.F.R. § 7.70(f), 86 Fed. Reg. 3804 (Jan. 15, 2021) is supported by substantial evidence and is not arbitrary, capricious, an abuse of discretion, *ultra vires*, or otherwise contrary to law. The Conservation Organizations deny that Plaintiffs are entitled to any relief. Additionally, the Conservation Organizations raise the following affirmative defenses:

1. Plaintiffs fail to state a claim upon which relief may be granted for all or some of the claims in the Complaint;
2. All or some of Plaintiffs’ claims in the Complaint are not ripe;
3. Plaintiffs lack subject matter jurisdiction for all or some of the claims in the Complaint.

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<sup>1</sup> See generally, Settlement Agreement, *Nat’l Parks Conserv. Ass’n. v. United States Dep’t of the Interior*, 1:21-cv-00171-ACR (D.D.C.); *S. Utah Wilderness All. v. Nat’l Park Serv.*, 1:23-cv-00693-ACR (D.D.C.), ECF No. 83-1.

Respectfully Submitted October 7, 2024

s/ Hanna Larsen

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